

**AN ORDINANCE  
BY COUNCILMEMBER ANNE FAUVER**

**05-○ -1081**

**AN ORDINANCE TO REZONE PROPERTY LOCATED AT 52 17<sup>th</sup>  
STREET FROM THE R-4 (SINGLE FAMILY RESIDENTIAL) ZONING  
CLASSIFICATION TO THE SPI-16-C ZONING CLASSIFICATION**

**WHEREAS**, the property located at 52 17<sup>th</sup> Street was previously before City Council for a similar zoning change in 04-O-0899, Z-04-34 in an application filed by the property owner, Midtown TSO, LLC; and

**WHEREAS**, said rezoning request was denied by the City Council on July 6, 2004; and

**WHEREAS**, the property owner appealed that decision to the Fulton County Superior Court in Midtown TSO, LLC v. City of Atlanta; Case No. 2004-CV-89318; and

**WHEREAS**, the City, Midtown TSO, LLC and the Ansley Park Civic Association discussed a resolution of the zoning of the subject property with conditions as shown in this ordinance and requested the Court to remand this matter back to City Council for consideration of this resolution; and

**WHEREAS**, the Court remanded this matter back to the City Council on May 5, 2005 for City Council to consider this resolution;

**NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL  
OF THE CITY OF ATLANTA AS FOLLOWS:**

**Section 1.** That the zoning designation for the subject property be changed from the R-4 (Single Family Residential) classification to the SPI-16-C classification conditioned upon it being maintained in perpetuity as greenspace in the manner and design as shown on the site plan attached hereto as Exhibit "A" and incorporated herein by reference with Midtown TSO, LLC agreeing to a covenant to be recorded which would require the subject property be maintained in perpetuity as greenspace as shown in Exhibit "A";

**Section 2.** The subject property may be platted as part of a larger adjacent tract of property owned by Midtown TSO, LLC at 1389 and 1401 Peachtree Street and its development rights and credits may be used in redevelopment of this adjacent property;

**Section 3.** The subject property may be disturbed as needed for construction related activities during a period of 24 months during the redevelopment of the adjacent property at 1389 and 1401 Peachtree Street provided any alteration or damage to the subject property is remedied as soon as is reasonably possible, and in no event any later than by the end of the 24 month construction period;

**Section 4.** There will be no subterranean use of the subject property in connection with the redevelopment of the larger adjacent tract, with the exception of the placement of any necessary

underground utilities. The property may be disturbed in the future for any necessary maintenance of such utilities, provided that it is promptly restored.

**Section 5.** That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.